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Attorney for Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION (3)

STEVEN M. NELSON,

Plaintiff,

v.

UNITED STATES OF AMERICA, by
and through the NATIONAL OCEANIC
and ATMOSPHERIC
ADMINISTRATION

Defendant.

)
)
) Civil No. 19-1761
)
) COMPLAINT – CLAIM FOR RELIEF FOR
) PERSONAL INJURY AND PROPERTY
) DAMAGE UNDER SUITS IN ADMIRALTY
) and PUBLIC VESSELS ACTS
)
) Demand for Trial By Jury

For a claim for relief against defendant, plaintiff alleges

1.

At all relevant times, the United States by and through its agency the National Oceanic and Atmospheric Administration owned, maintained and controlled the gangways to the vessel OSCAR DYSON R-224 at the Port of Newport, Oregon.

2.

The plaintiff resides in Forest Grove, Oregon, and this court has jurisdiction of this case under the Suits in Admiralty Act, 46 U.S.C. §§ 30901 and 30906 and the Public Vessels Act, 46 U.S.C. §§ 31101 and 31104.

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1 3.

2 On or about November 2, 2017, the plaintiff was working as a heavy diesel mechanic for
3 Peterson Machinery Company to repair diesel engines on the vessel OSCAR DYSON in Newport,
4 Oregon.

5 4.

6 As plaintiff was leaving the vessel OSCAR DYSON on November 2, 2017, the welds on
7 the gangway on which he was walking broke, the gangway collapsed and hit the dock about 13
8 feet below, and plaintiff injured his left shoulder and arm when he grabbed the handrail on the
9 gangway as it collapsed.

10 5.

11 The defendant's negligence was a substantial factor in causing the plaintiff's injuries in
12 one or more of the following ways:

13 (a) It negligently maintained the gangway which collapsed by failing to properly weld its
14 joints;

15 (b) It negligently failed to inspect the welds which supported the gangway at reasonable
16 intervals so that it would have known that they were defective; and

17 (c) It negligently provided the use of the gangway to the plaintiff when it knew or should
18 have known it was not safe.

19 6.

20 As a result of defendant's negligence, plaintiff tore the labrum and biceps tendon in his left
21 shoulder and displaced the ulnar nerve in his left elbow. The plaintiff has also suffered nerve,
22 muscle and connective tissue injuries to his left arm and shoulder. These injuries are permanent,
23 and plaintiff is entitled to non-economic damages for pain and suffering in excess of \$750,000.

1 7.

2 As a further result of defendant's negligence, plaintiff has incurred reasonable and
3 necessary medical expense to date of about \$35,000, and he will incur additional future medical
4 expenses.

5 8.

6 Also, as a further result of defendant's negligence, plaintiff has incurred a loss of income
7 to date of about \$250,000, and will incur an additional loss of income in the future in excess of
8 \$2,500,000.

9 9.

10 Also, as a further result of defendant's negligence and his injuries, plaintiff was unable to
11 repair one of the tractors he uses for growing hazelnuts, and incurred labor expenses of \$3,647.20,
12 and he also incurred costs of \$25,000 for damages to hazelnut trees because he was unable to install
13 an irrigation system to water the trees due to his injuries of November 2, 2017.

14 Wherefore, plaintiff prays that this court enter judgment against defendant in the sum of
15 \$2,813,647.20 in economic losses and in excess of \$750,000 in non-economic losses, plus his costs
16 and disbursements.

17
18 

19 CHARLES ROBINOWITZ, OSB 691497
20 LAW OFFICE OF CHARLES ROBINOWITZ
21 Attorney for Plaintiff
22
23

Demand for Trial by Jury

To the extent the law allows it, the plaintiff requests a jury trial.

Dated: November 1, 2019



CHARLES ROBINOWITZ OSB 691497
LAW OFFICE OF CHARLES ROBINOWITZ
Attorney for Plaintiff